

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No. EV826262408US

Applicant	:	Martin Bergsmann, et al.	Confirmation No. 1968
Application No.	:	10/566,144	
Filed	:	January 27, 2006	
Title	:	DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR GASEOUS OBJECTS	
Grp./Div.	:	3651	
Docket No.	:	57036/M521	

**PETITION REQUESTING RESETTING OF MAILING DATE OF NOTIFICATION
OF MISSING REQUIREMENTS TO NOVEMBER 29, 2006 AND
WAIVER OF PETITION FEE AND EXTENSION FEES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
March 5, 2007

Commissioner:

This is a petition to the Commissioner to reset the mailing date for the Notification of Missing Requirements From June 5, 2006 to November 29, 2006.

The reason for the petition is that I, the responsible attorney for this case, nor anyone else in our firm ever received the Notification of Missing Requirements (allegedly mailed June 5, 2006) until November 29, 2006, when a mailed copy was received.

The evidence of not having received the Notification of Missing Requirements until the mailed copy was received on November 29, 2006, is set forth in the accompanying declarations of Marti Carrillo and Daniel G. Ferris.

As Daniel G. Ferris, the supervisor of the Christie, Parker & Hale docketing department, states in his declaration, he researched the docketing records of Christie, Parker & Hale for log entries for the subject application and did not find any indication of receipt of the Notification of Missing Requirements dated June 5, 2006 prior to receipt of the Notification of Missing Requirements on November 29, 2006.

Accordingly, it is requested that the Notification of Missing Requirements be reset with a mailed date of November 29, 2006, and that any extension fees and petition fees be waived.

The response to the Notification of Missing Requirements was filed by Express Mail on December 5, 2006, including the following:

Application No. 10/566,144

1. Transmittal Letter, PTO Form 1390 (copy attached).
2. An English translation of the application as filed, (the processing fee for the English translation was submitted along with the filing of the application);
3. The executed Declaration of the inventor, properly executed in compliance with 37 C.F.R. 1.497(a) and (b);
4. A Preliminary Amendment amending the Cross-Reference to Related Applications and claims for examination in this case;
5. A substitute Specification and Compare Copy;
6. A substitute Abstract;
7. Replacement Figures;
8. Information Disclosure Statement and Form PTO/SB/08A/B; and
9. Copy of the Notification of Missing Requirements.

Also enclosed is a copy of the Express Mail receipt noting the mailing on December 5, 2006.

It is requested that the extension fees be waived and that the mailing date for the Notice of Missing Requirements be reset to November 29, 2006

In the event there are any fees required, the Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
D. Bruce Prout
Reg. No. 20,958
626/795-9900

DBP/mac
Enclosures
MAC PAS724950.1-* 03/5/07 5:12 PM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Bergsmann, et al. Confirmation No. 1968

Application No. : 10/566,144

Filed : January 27, 2006

Title : DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR GASEOUS OBJECTS

Grp./Div. : 3651

Docket No. : 57036/M521

DECLARATION OF MARTI CARRILLO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, Marti Carrillo, declare as follows:

1. I am legal assistant to D. Bruce Prout, attorney of record for the subject patent application.
2. I am responsible for all incoming mail for D. Bruce Prout after it has been processed through our Docketing Department.
3. I received by personal delivery from Dan G. Ferris, Supervisor of the Docketing Department of Christie, Parker & Hale, the Notification of Missing Requirements on November 29, 2006.
4. Upon review of the file no Notification of Missing Requirements had been received prior to the one received on November 29, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Date: March 5, 2007

By: 

Marti Carrillo
Legal Assistant

DBP/mac

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Bergsmann, et al. Confirmation No. 1968

Application No. : 10/566,144

Filed : January 27, 2006

Title : DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR GASEOUS OBJECTS

Grp./Div. : 3651

Docket No. : 57036/M521

DECLARATION OF DANIEL FERRIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
February 28, 2007

Commissioner:

I, Daniel G. Ferris, declare as follows:

1. I am the Supervisor of the Docketing Department of Christie, Parker & Hale, LLP. I have been employed in this capacity for about the past 12 years.

2. In the regular course of business in my department, my department docketts all U.S. Patent and Trademark Office mail, on a daily basis, received by Christie, Parker & Hale, LLP. I have reviewed our log for entries relating to U.S. Application No. 10/566,144, and have confirmed that our office did not receive the Notification of Missing Requirements, dated June 5, 2006, until November 29, 2006. In support of this declaration, attached are the following documents:

a) A screen print of the Missing Requirements action from our firm's docketing records. The Commissioner's attention is drawn to the "Received" date, the "Created" date, and the "Remarks", all of which support our contention of late receipt of the action;

b) A copy of the prosecuting attorney's weekly calendar, which was printed on November 27, 2006, for due dates between December 4, 2006 and December 6, 2006. As can be seen, at the time the calendar was printed, no docket entry was entered for a response to a Notification of Missing Requirements which would have a due date of December 5, 2006; and,

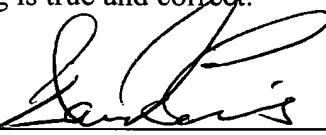
Application No. 10/566,144

c) A copy of the Notification of Missing Parts, bearing a "Date Received" stamp of November 29, 2006.

In view of this evidence, applicant respectfully requests a waiver of the requirement under Rule 1.136 for fees for an extension of time to respond to the Notification of Missing Requirements dated June 5, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Date 2/28/07

By 

Daniel G. Ferris

DBP/mac

MAC PAS724968.1-* 02/22/07 3:36 PM

Note: Asterisk * Indicates date falls on the Weekend Attorney - DBP D. Bruce Prout

12/04/2006 Deadline	A400:58869 USA PRIORITY FILING DEADLINE DEADLINE TO CLAIM PRIORITY	NOT MAILED	UTL-PCT C 58869-PCT	DBP AAM	SEMICONDUCTOR SURFACE INSPECTION APPARATUS AND METHOD OF ILLUMINATION Yoko Miyayaki et al	Filed:
12/05/2006 Due Date	M521:49206 USA FINAL REJECTION RESPOND:EXTND 3-MON DUE DATE (05APR07)	PUBLISHED	UTL-PCT C 49206-PCT	DBP MEG	ELECTROMECHANICAL DRIVE DEVICE	Filed: 10/22/2002
12/05/2006 Reminder	Y35:49626 USA NTC ALLOWANCE FILE DIV/CON/CIP? (21DEC06)	ALLOWED	UTL-ORD C	DBP FS	FIELD EMISSION DISPLAY HAVING Emitter ARRANGEMENT STRUCTURE CAPABLE OF ENHANCING ELECTRON EMISSION CHARACTERISTICS Chun Gyo Lee et al	Filed: 02/21/2003
12/05/2006 Reminder	Y35:51898 USA NTC ALLOWANCE FILE DIV/CON/CIP? (21DEC06)	ALLOWED	UTL-ORD C	DBP RJP	PLASMA DISPLAY PANEL APPARATUS AND DRIVING METHOD THEREOF	Filed: 03/18/2004
12/05/2006 Due Date	Y35:52158 USA FINAL REJECTION RESPOND:EXTND 3-MON DUE DATE (05APR07)	PUBLISHED	UTL-ORD C	DBP RJP	FIELD EMISSION DISPLAY AND DRIVING METHOD THEREOF Hyang-Suk No	Filed: 08/11/2004
12/05/2006 Due Date	M521:52632 USA ATTY REQUESTED DUE DATE DKTID SEE DKTG SYSTEM FOR DETAILS (05SEP08)	PENDING	UTL-REI C 35763-USA	DBP	DEVICE FOR CUTTING ANY WIDTH OF WOOD OR OTHER MATERIALS	Filed: 05/28/2004
12/05/2006 Due Date	Y35:53501 USA FINAL REJECTION RESPONSE DUE (05MAR07)	PUBLISHED	UTL-ORD C	DBP RJP	PLASMA DISPLAY PANEL	Filed: 10/20/2004
12/05/2006 Reminder	Y35:53643 USA NTC ALLOWANCE FILE DIV/CON/CIP? (21DEC06)	ALLOWED	UTL-ORD C	DBP RJP	PLASMA DISPLAY PANEL WITH DEFINED PHOSPHOR LAYER THICKNESSES (AS AMENDED) Seo-Young Choi et al	Filed: 11/22/2004

12/05/2006 Alert!	S1082:54991 USA PRIOR ART DUE FILE IDS/1449- (PAST DUE!)	PUBLISHED	UTL-ORD C DBP AAM	DBP LIQUID CRYSTAL DISPLAY DEVICE Kyung-Ho Choi	Filed: 11/18/2005
12/05/2006 Alert!	S1082:55015 USA PRIOR ART DUE FILE IDS/1449- (PAST DUE!)	PUBLISHED	UTL-ORD C DBP AAM	DBP LIQUID CRYSTAL DISPLAY DEVICE Kyung-Ho Choi	Filed: 11/18/2005
12/05/2006 Deadline	S307:57638 USA FINAL REJECTION RESPONSE DEADLINE	PENDING	TM/SM C DBP ITU	DBP Mark: STRATEGIC SALES PROGRAM and Design Serial No: 79/015345	Filed: 03/01/2005
12/05/2006 Due Date	S1170:58294 USA PRIOR ART DUE FILE IDS/1449- 3 MON (05SEPB07)	PENDING	UTL-ORD C DBP AAM	DBP PLASMA DISPLAY PANEL Taewoo Kim et al	Filed: 09/05/2006
12/06/2006 Deadline	A400:45923 USA NTC ALLOWANCE ISSUE FEE DEADLINE	ALLOWED	UTL-PCT C DBP 45923-PCT	DBP OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN OUTPUT LIGHT MONITOR Manabu Yamada et al	Filed: 11/15/2001
12/06/2006 Reminder	A400:48144 USA NTC ALLOWANCE CONFORM FORGN CLAIMS TO USA? (06JAN07)	ALLOWED	UTL-ORD C DBP RJP	DBP MEASUREMENT CONTROL APPARATUS INCLUDING INTERFACE CIRCUITS (AS AMENDED) Takeshi Yasuda et al	Filed: 03/29/2002
12/06/2006 Due Date	Y35:53014 USA OFFICE ACTION [3 MON] RESPONSE DUE (06MAR07)	PUBLISHED	UTL-ORD C DBP AAM	DBP PLASMA DISPLAY DEVICE Myoung-Kon Kim	Filed: 08/23/2004
12/06/2006 Due Date	Y35:56747 USA PRIOR ART DUE FILE IDS/1449-9 MON (06MAR07)	PUBLISHED	UTL-ORD C DBP AAM	DBP MEMBRANE-ELECTRODE ASSEMBLY, METHOD FOR PREPARING THE SAME, AND FUEL CELL SYSTEM COMPRISING THE SAME Myoung-Ki Min et al	Filed: 03/06/2006

DBP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,144	Martin Bergsmann	57036/M521
INTERNATIONAL APPLICATION NO.		
PCT/DE04/01668		
I.A. FILING DATE	PRIORITY DATE	
07/26/2004	07/28/2003	

23363
 CHRISTIE, PARKER & HALE, LLP
 PO BOX 7068
 PASADENA, CA 91109-7068

RECEIVED

NOV 29 2006

Date Mailed: 06/05/2006

CHRISTIE, PARKER & HALE, LLP

CONFIRMATION NO. 1968
 371 FORMALITIES LETTER



OC000000019087788

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/27/2006
- Copy of the International Search Report filed on 01/27/2006
- Information Disclosure Statements filed on 01/27/2006
- Oath or Declaration filed on 01/27/2006
- Request for Immediate Examination filed on 01/27/2006
- U.S. Basic National Fees filed on 01/27/2006
- Priority Documents filed on 01/27/2006

CASE # 57036 ACTION Missing Rgmts
 REMINDER _____ DUE DATE 12/5/06
 DEADLINE 12/5/06

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		57036/M521	
INTERNATIONAL APPLICATION NO. PCT/DE2004/01668		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/566,144	
INTERNATIONAL FILING DATE 26 July 2004		PRIORITY DATE CLAIMED 28 July 2003	
TITLE OF INVENTION DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR GASEOUS OBJECTS			
APPLICANT(S) FOR DO/EO/US BERGSMANN, Martin; BERNDS, Adolf; CLEMENS, Wolfgang; GERLT, Axel; HALIK, Marcus; MULLER, Matthias; ROST, Henning; SCHMID, Gunter, TREUTLEIN, Roland			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (4) 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 			
Items 13 to 23 below concern document(s) or information included:			
<ol style="list-style-type: none"> 13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input checked="" type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input checked="" type="checkbox"/> Express Mail Label No. EV826263I08US 			

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/566,144	INTERNATIONAL APPLICATION NO. PCT/DE2004/01668	ATTORNEY'S DOCKET NUMBER 57036/M521
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23. Other items or information:

Compare copy of the specification
Figures 1-8
Abstract

The following fees have been submitted:

		CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee		\$300	\$ 0.00
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . .		\$0	\$ 0.00
All other situations.		\$200	
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . .		\$0	\$ 0.00
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.		\$100	
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.		\$400	
All other situations.		\$500	
TOTAL OF 24, 25 and 26 =		\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE
- 100 =	0 /50 =	0	x \$250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	25 - 20 =	0	x \$50.00
Independent claims	1 - 3 =	0	x \$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable)		<input type="checkbox"/> +	\$360.00
		TOTAL OF ABOVE CALCULATIONS =	\$ 0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$	\$ 0.00
		SUBTOTAL =	\$ 0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			
		TOTAL NATIONAL FEE =	\$ 0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property		+ \$	\$ 0.00
		TOTAL FEES ENCLOSED =	\$ 0.00
		Amount to be	\$
		Amount to be	\$

a. A check in the amount of \$ _____ to cover the above fees is enclosed.

b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1728. A duplicate copy of this sheet is enclosed.

d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number 23363
D. Bruce Prout, Esq.
 Christie, Parker & Hale LLP
 P.O. Box 7068
 Pasadena, California 91109-7068
 United States of America

D. Bruce Prout
 SIGNATURE

D. Bruce Prout
 NAME

20,958
 REGISTRATION NUMBER

05 December 2006
 DATE

Customer Copy

Label 11-F, April 2004



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M/S PCT

COMMISSIONER FOR PATENTS

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ALEXANDRIA

VA 22313-1450

FROM: (PLEASE PRINT)

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PASADENA CA 91105-1855

M521:57036/DBP

FOR PICKUP OR TRACKING: Visit WWW.usps.com or Call 1-800-222-1811

